

Mr. BRANDEIS. No without congressional aid, because I think you need not only the law but enforcement of the law.

Senator GORE. I understood you to say the other day that you opposed any method of licensing?

Mr. BRANDEIS. Yes, sir.

Senator GORE. Any method of licensing corporations engaged in interstate commerce?

Mr. BRANDEIS. Yes, sir.

Senator GORE. By that do you mean a license that would constitute a sort of passport or examination of health and one that would extend immunity from prosecution?

Mr. BRANDEIS. Precisely; or which might be so construed by the community, although it did not actually do so.

Senator GORE. I want to ask you this: Merely a requirement that any company engaged in interstate commerce, without reference to method or manner of organization or object, could make application to some constituted authority for a license to engage in commerce, say for a nominal fee of a dollar, and allowed to have no other certificate than merely registration—that so far would not be objectionable?

Mr. BRANDEIS. It would only be objectionable in that it probably would be put to an illegitimate use. That is, it would be used as representing practically that the Government is ratifying or indorsing the propriety of its acts, just as these certificates are found now upon cans registered under the pure food act, etc.

Senator GORE. What I have in mind is merely a license, like a saloon man gets to sell liquor—that it is purely formal and perfunctory to that extent.

Mr. BRANDEIS. I see no occasion or no advantage in having a license. We have the situation now, that every corporation must make a return for the purpose of taxation.

Senator GORE. I was coming to that. In case we require a license, then make it a part of any judgment against the concern, and let the revocation of this license deny the right to engage in interstate commerce.

Mr. BRANDEIS. I do not believe that that provision, if it should be made, is one of great practical value or importance.

Senator GORE. I do not think it would constitute a strong deterrent.